

REMARKS

Applicants would like to thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

Claims 29 through 42 were presented for examination and were pending in this application. In a Final Office Action dated April 22, 2003, claims 29 through 42 were rejected. Applicants herein amend claims 30 and 31. No claims have been cancelled or added. Applicants now request reconsideration and allowance of claims 29-42.

Response to Claim Rejections - 35 U.S.C. §112, ¶2

The Examiner has rejected claim 31 based on 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner correctly assumed claim 31 was missing the word "parameter" and used that interpretation when examining the application. The same word was also missing from claim 30. Applicant respectfully submits the above noted claim amendments to add the word "parameter" as assumed by the Examiner.

Response to Claim Rejections – 35 U.S.C. §102(e)

The Examiner rejected claims 29-30, 36, 38, and 42 based on 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 20020133412 A1 ("Oliver"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Oliver neither discloses nor suggests the pending claims. According to M.P.E.P §706.02, "for anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention..." (emphasis added). However, Oliver fails to disclose or suggest various elements of the claimed invention.

For example, claim 29, as previously amended, recites a detector device "*monitoring a plurality of request signals for data between the first device and the second device* in the network, at least one request signal including a user identification parameter" and, "*determining*

whether a user identified by the user identification parameter in the request signal is permitted access to the data.” Oliver does not disclose a device that monitors requests for data between a user and a website and determines whether the user is permitted access the requested data. In contrast, Oliver requires websites to provide their own authentication services; Oliver’s validation server only provides user profile and class information to a website if a website sends a token to the validation server:

[I]ndividual publishers or service providers *authenticate their own users*, and then ask TVS to store the user’s preference, pricing and service-class information in a ‘publicly accessible’ place. In return, *TVS provides an authentication token* which is returned to the user....All subsequent access to any TVS-enabled service is governed by this token (non-TVS services are not affected). TVS validates the token on behalf of any individual service, *and passes in return the user’s profile and class information.*” Oliver, ¶114.

However, the detector device of the present invention monitors requests between the users and the website, whereas Oliver merely provides tokens and user data in response to requests from websites. Moreover, unlike Oliver’s system where the website must authenticate its own users, the detector device, independent of the website, determines whether the user can access data on the website that the user requested. Because Oliver neither monitors requests between the user and the website, nor authenticates users, Oliver does not anticipate these claim elements.

Claims 36, 38 and 42 contain the same limitations as recited in claim 29. Similarly, claims 30-35 all depend from claim 29. Therefore these claims are allowable for at least the same reasons as discussed above. Additionally, these claims recite other novel features not disclosed or suggested by Oliver. For example, claim 30 recites a method of controlling access to requested data using a detector device of claim 29, where access to the data is allowed “when the predetermined parameter associated with the user is less than or equal to a predetermined parameter associated with the data.” However, the paragraph from Oliver cited by the Examiner discloses the website itself performing the access algorithm: “The vending CPM views the

Credit(x) value and computationally compares it against the value of the resource to be vended....” Oliver, ¶332. Oliver further defines a “CPM” as a “Clickshare Publishing Members” or “Operators of World Wide Web sites” including “newspapers, magazines, specialty publications.” Oliver, ¶36. Here, Oliver discloses the website itself determining whether the user can access the data on the site. Because claim 30 recites a detector device making the access determination, Oliver does not anticipate claim 30.

Response to Claim Rejections – 35 U.S.C. §103(a)

The Examiner also rejected claims 31-35, 37 and 39-41 on the basis of 35 U.S.C. §103(a) as obvious in light of Oliver in combination with other references. Applicant respectfully traverses these rejections.

Claims 31, 32, and 35 all depend from claim 29. Claim 29 recites a detector device that “monitor[s] a plurality of request signals for data between the first device and the second device” and, “determin[es] whether a user...is permitted access to the data.” For the reasons stated above, Oliver does not disclose or suggest a detector device that monitors requests for data between a first and second device and determines whether a user is permitted access to data.

Furthermore, the Examiner argues that U.S. Patent No. 6,272,535 (“Iwamura”) discloses allowing access to data when the predetermined parameter associated with the user is less than or equal to predetermined parameter associated with the data. However, Iwamura actually discloses this calculation occurring at the user terminal: “The user cannot actually obtain access to the downloaded information PP until the check circuit 14 determines that access is to be permitted.” Iwamura, Col. 5, lns. 29-32. The check circuit referred to here is located in the user terminal. *See* Iwamura, FIG. 3. Therefore, Iwamura does not disclose or suggest a detector device that determines whether a user is permitted access to a device.

Because neither Oliver nor Iwamura disclose or suggest a detector device, their combination does not disclose or teach a detector device or a motivation to create a detector device as recited in claims 29, 31, 32, and 35. Similarly, claims 37 and 40 depend from claim 36, which contains the same limitations regarding the detector device that monitors requests for data and determines if a user can access data. Therefore, claims 29, 31, 32, 35, 37 and 40 are not obvious in light of Oliver and Iwamura at least for the reasons discussed above.

In addition, these claims recite novel limitations not found in either Oliver, Iwamura, nor suggested or taught by their combination. For example, the Examiner argues that an element of claim 32 and 39, namely that “re-directing the data signal to a third device in response to a predetermined parameter associated with the user being less than the predetermined value associated with the data” is disclosed in column 6, lines 20-30 of Iwamura. But, the section of Iwamura cited by the examiner merely discloses a method to add more money to an account in order to pay for information ordered by the user. The cited section states:

It is to be understood also that the user may be able to have his or her charge accommodator 20 add value to the user's card while the user is at the terminal 10. For example, if access to a body of ordered information PP is denied because too little value remains in the user's card, the user may have the charge accommodator 20 authorize the immediate addition of value to the card, thus enabling the user to obtain access to the ordered information PP, after all, without the necessity of going to the bank, adding value to the card (or obtaining cash), and returning to the terminal. Iwamura, col. 6, lns. 20-30.

Iwamura discloses nothing related to redirecting a user to another location to obtain data as in claims 32 and 39. Therefore, Iwamura does not teach or suggest this limitation of claim 32 or 39, alone or in combination with Oliver.

Claims 33, 34, and 41 were rejected by the Examiner over Oliver in light of U.S. Patent No. 5,917,822A (“Lyles”) and U.S. Patent No. 6,353,929 B1 (“Houston”). Claims 33 and 34 depend from claim 29, and claim 41 depends from claim 36. As discussed above, claims 29 and

36 are not anticipated by Oliver. Therefore, Lyle and Houston must provide additional disclosure and teachings for claim 29 and 36 to support the examiner's rejection.

The Examiner argues that Lyles discloses the bandwidth and quality of service values recited in claims 33 and 41, but provides no argument why Oliver in combination with Lyles teaches, suggests or discloses the elements of claim 29 or claim 36. Lyles discloses a "method of allocating bandwidth fairly in a shared-media, packet-switched network." Lyles, Abstract. Nothing in Lyles discloses, teaches, or suggests a "detector device...monitoring a plurality of request signals for data between the first device and the second device" and, "determining whether a user...is permitted access to the data" as recited by both claim 29 and claim 36. Therefore, because claims 33 and 41 are dependent from claims 29 and 36 respectively, claims 33 and 41 are not obvious in light of Oliver in combination with Lyles.

Similarly, the Examiner argues that claim 34 is obvious in light of Oliver in combination with Lyles and Houston. Claim 34 depends from claim 29, and as discussed above, claim 29 is not obvious in light of Oliver in combination with Lyles. The Examiner has provided no citation to Houston in his remarks. Notwithstanding this omission, Houston discloses a system for measuring a particular user's interaction with advertisements and other media through the use of unique identifier tags for logging each user's exposure to the media. Nowhere does Houston disclose, teach or suggest a "detector device...monitoring a plurality of request signals for data between the first device and the second device" and, "determining whether a user...is permitted access to the data" as recited in claims 29 and 36. Therefore, claim 34 is not obvious in light of Oliver in combination with Lyles and Houston.

Conclusion

In sum, Applicants respectfully submit that claims 29-42, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of these claims.

Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Date: 3/18/03

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